

**Jennifer Wood**  
**Mayor**

**J. Carlos Gomez**  
**Mayor Pro Tem**

**Chuck McGuire**  
**Council Member**

**Donald Parris**  
**Council Member**

**Eugene Stump**  
**Council Member**



## **AGENDA**

### **CITY OF CALIFORNIA CITY CITY COUNCIL**

**Tuesday July 11, 2017**  
**Regular Meeting 6:00 pm**

Council Chambers  
21000 Hacienda Blvd.  
California City, Ca 93505

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

**NOTE:** Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting.

**LATE COMMUNICATIONS:** Following the posting of the agenda any emails, writings or documents that the public would like to submit to the council must be received by the City Clerk no later than 3pm the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to council, staff and the public.

Agenda  
July 11, 2017

***\*\*At this time, please take a moment to turn off your cell phones\*\****

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE / INVOCATION**

**ROLL CALL**

Councilmembers McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

**ADOPT AGENDA**

**CITY CLERK REPORTS / LATE COMMUNICATIONS**

**PRESENTATIONS**

Inge Elmes- Citizens Advisory Committee: Quarterly Report

Fausto Hinojosa – Price, Paige & Company: Annual Audit FY 2015 / 2016

**STAFF ANNOUNCEMENTS / REPORTS**

Police Chief Hurtado – Department Update

Fire Chief Vincent– Department Update

Public Works Director Platt – Department Update

Finance Director O’Laughlin – Department Update

Parks and Recreation Manager Daverin – Department Update

Airport Manager King – Department Update

City Manager Weil – City Update

AB 1234 – Council Updates

**CIVIC / COMMUNITY / ORGANIZATIONS ANNOUNCEMENTS**

**PUBLIC BUSINESS FROM THE FLOOR** This portion of the meeting is reserved for persons desiring to address the City Council on any matter not on this agenda, and over which the City Council has jurisdiction. Please state your name for the record and limit your comments to three minutes.

**CONSENT CALENDAR / PUBLIC COMMENT** All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Council, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

**CC 1. CITY CHECK REGISTERS** dated through 07/06/2017

**CC 2. READING OF ORDINANCES**

Waive reading in full of all ordinances under consideration and read by title only.

Adopt “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING ZONE CHANGE NO. 186**”

**CC 3. Adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ESTABLISHING THE FY 2017-18 APPROPRIATIONS LIMIT”**

Agenda  
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**CONTINUED BUSINESS**

**CB 1. Proposed Ordinance: Food Safety Education - City Manager Weil**

**Recommendation**

Council discuss and give first reading, by title only, with further reading waived of  
**“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY  
ADDING CHAPTER 9.5 TO TITLE 6 OF THE CALIFORNIA CITY MUNICIPAL  
CODE RELATING TO FOOD SAFETY EDUCATION”**

**NEW BUSINESS**

**NB 1. Proposed Ordinance: Revising Regulations Applicable to State Video Franchisees –  
City Manager Weil**

**Recommendation**

Council discuss and give first reading, by title only, with further reading waived of  
**“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY  
REPEALING EXISTING ARTICLE 2 OF CHAPTER 4 OF TITLE 7 OF THE  
CALIFORNIA CITY MUNICIPAL CODE (“COMMUNITY ANTENNA TELEVISION  
SYSTEMS”) AND REPLACING IT WITH A NEW ARTICLE 2 (“STATE VIDEO  
FRANCHISEES”) TO ESTABLISH FRANCHISE FEES, PEG FEES AND  
CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS  
PROVIDING VIDEO SERVICE WITHIN CALIFORNIA CITY”**

**COUNCIL AGENDA**

This portion of the meeting is reserved for council members to present information, announcements, and items that have come to their attention. The Brown Act precludes Council, staff or public discussion. Short staff responses are appropriate. The Council will take no formal action. A Council member may request the City Clerk to calendar an item for consideration at a future meeting, or refer an item to staff.

**Councilmember McGuire  
Councilmember Parris  
Councilmember Stump  
Mayor Pro Tem Gomez  
Mayor Wood**

**ADJOURNMENT**

**AFFIDAVIT OF POSTING:** This agenda was posted on all official City bulletin boards, the City’s website and agenda packets were completely accessible to the public at City Hall at least 72 hours prior to the Council Meeting.

Denise Hilliker, City Clerk



## Report Criteria:

Report type: Invoice detail

Bank.Bank Number = 1

Check.Voided = no

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
06/17	06/29/2017	100269	Ferrell, Abraham & Tanya	Re-Issue From Ck 100100	105375-07	1,333.47	1,333.47
Total 100269:							1,333.47
Grand Totals:							1,333.47

## Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
52-02005	.00	1,333.47-	1,333.47-
52-3731	1,333.47	.00	1,333.47
Grand Totals:	1,333.47	1,333.47-	.00

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: 6/29/17Finance Director Z Z f

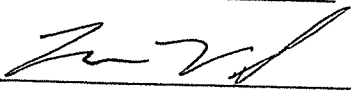
CC1.

## Report Criteria:

Report type: Invoice detail  
Bank.Bank Number = 1  
Check.Voided = no

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
06/17	06/30/2017	100270	Alvin, Joseph	Construction Trash Dep Ref	BP 16211	500.00	500.00
Total 100270:							500.00
06/17	06/30/2017	100271	Frontier	Police, Animal Control	070174-5 040709-5	290.70	290.70
06/17	06/30/2017	100271	Frontier	Telephone Service from Ve	081503-5 061917	2,784.37	2,784.37
Total 100271:							3,075.07
06/17	06/30/2017	100272	Lee, Todd	Construction Trash Dep Ref	BP 16179	500.00	500.00
Total 100272:							500.00
06/17	06/30/2017	100273	So California Edison Co	Aspen Mall, CCB Street Ligh	2-29-857-0987 060	234.17	234.17
Total 100273:							234.17
06/17	06/30/2017	100274	So California Gas Co	Gas Service	1691-1 060917	418.07	418.07
Total 100274:							418.07
06/17	06/30/2017	100275	U S Bank Corporate Payment	Credit Purchases	XXX-4539 052517	3,123.00	3,123.00
06/17	06/30/2017	100275	U S Bank Corporate Payment	xxx-7239 1CALCITY Police	XXX-7239 052517	90.98	90.98
06/17	06/30/2017	100275	U S Bank Corporate Payment	xxx-7254 2CALCITY Police	XXX-7254 052517	954.37	954.37
06/17	06/30/2017	100275	U S Bank Corporate Payment	xxx-7288 Fire 4 CALCITY	XXX-7288 052517	63.29	63.29
06/17	06/30/2017	100275	U S Bank Corporate Payment	XXX-7304 Public Works	XXX-7304 052517	4,181.83	4,181.83
06/17	06/30/2017	100275	U S Bank Corporate Payment	XXX-7312 Public Works	XXX-7312 052517	5,120.69	5,120.69
06/17	06/30/2017	100275	U S Bank Corporate Payment	xxx-7490 Brenda Daverin	XXX-7490 052517	3,485.26	3,485.26
06/17	06/30/2017	100275	U S Bank Corporate Payment	xxx-7639 3 CALCITY Fire	XXX-7639 052517	1,631.26	1,631.26
06/17	06/30/2017	100275	U S Bank Corporate Payment	XXX-9269 Bus Card	XXX-9269 052517	550.26	550.26
06/17	06/30/2017	100275	U S Bank Corporate Payment	XXX-9301 City Manager	XXX-9301 052517	2,311.57	2,311.57
Total 100275:							21,512.51
Grand Totals:							26,239.82

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: 6/30/17Finance Director 

## Report Criteria:

Report type: Invoice detail  
Bank Number = 1  
Check Voided = no

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/17	07/06/2017	100276	Andrew Dunn Pecos League of	Concessions Revenue May	0623-2017	461.10	461.10
07/17	07/06/2017	100276	Andrew Dunn Pecos League of	Gate Revenue 6-7 thru 06-1	063017	1,419.00	1,419.00
07/17	07/06/2017	100276	Andrew Dunn Pecos League of	Gate Revenue 06-19 thru 0	063017 GATE REV	370.00	370.00
07/17	07/06/2017	100276	Andrew Dunn Pecos League of	Gate Revenue 07-02 thru 0	070417	407.00	407.00
Total 100276:							2,657.10
07/17	07/06/2017	100277	Kern County Roofing	Construction Trash Dep Ref BP 16245		500.00	500.00
Total 100277:							500.00
07/17	07/06/2017	100278	Kulikoff, Kelly	Construction Trash Dep Ref BP 16192		500.00	500.00
Total 100278:							500.00
07/17	07/06/2017	100279	Pyro Spectaculars, Inc	Fireworks 2017 1/2 Payme	54646	5,500.00	5,500.00
Total 100279:							5,500.00
07/17	07/06/2017	100280	Whiting, Steven	Per Diem Field Officer Trai	07-03-17	250.00	250.00
Total 100280:							250.00
Grand Totals:							9,407.10

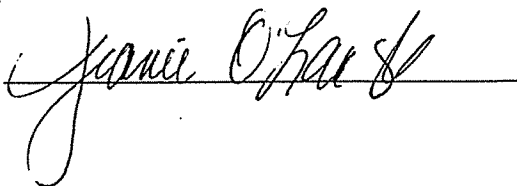
## Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
10-02005	.00	6,500.00-	6,500.00-
10-02088	1,000.00	.00	1,000.00
10-4165-425	5,500.00	.00	5,500.00
14-02005	.00	2,657.10-	2,657.10-
14-3622	461.10	.00	461.10
14-3624	2,196.00	.00	2,196.00
18-02005	.00	250.00-	250.00-
18-4212-230	250.00	.00	250.00
Grand Totals:	9,407.10	9,407.10-	.00

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: 7-6-17

Finance Director



## Report Criteria:

Report type: Invoice detail

Check.Voided = True

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice GL Account	Check Amount	
07/17	07/06/17	100281	5220	Angell, Geri	062017	18-4215-140	.00	V
07/17	07/06/17	100282	3073	Corcoran, Pat	062017	18-4213-140	.00	V
07/17	07/06/17	100283	2826	Deges, Daniel	062017	18-4215-140	.00	V
07/17	07/06/17	100284	3151	Downs, Joellen	062017	18-4217-140	.00	V
07/17	07/06/17	100285	2835	Gallant, Rocky	062017	18-4213-140	.00	V
07/17	07/06/17	100286	4600	Glisson, Larissa	062017	18-4217-140	.00	V
07/17	07/06/17	100287	3138	Jones, Michelle	062017	18-4215-140	.00	V
07/17	07/06/17	100288	4971	Wofford, Rebecca	062017	18-4215-140	.00	V
Grand Totals:							.00	

## Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
18-02005	2,400.00	2,400.00-	.00
18-4213-140	600.00	600.00-	.00
18-4215-140	1,200.00	1,200.00-	.00
18-4217-140	600.00	600.00-	.00
Grand Totals:	4,800.00	4,800.00-	.00

*voided & re-entered in the correct period*



## Report Criteria:

Report type: Invoice detail  
 Check.Check Number = {>} 100280  
 Bank.Bank Number = 1  
 Check.Voided = no

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/17	07/06/2017	100289	Ace Hydraulic Inc	Filter Control Panel Air Fitt	5218634	101.16	101.16
		Total 100289:					101.16
07/17	07/06/2017	100290	AmeriPride	Uniform Maintenance	2100609733	162.39	162.39
		Total 100290:					162.39
07/17	07/06/2017	100291	Andrew Parker	Unit 3009, 3011, 3012 Deca	201733	1,200.00	1,200.00
		Total 100291:					1,200.00
07/17	07/06/2017	100292	Angell, Geri	Uniform Allowance	070617	600.00	600.00
		Total 100292:					600.00
07/17	07/06/2017	100293	Arroyo, Jordan	Uniform Allowance	070117	600.00	600.00
		Total 100293:					600.00
07/17	07/06/2017	100294	Association of Environmental	2017 CEQA Book	ORDER QYBSBA5W	37.33	37.33
		Total 100294:					37.33
07/17	07/06/2017	100295	AT&T Mobility	IPad Phone Bill	06182017	606.92	606.92
		Total 100295:					606.92
07/17	07/06/2017	100296	Beebe, Jesse	Refund 9101 S Loop	101925.05	2.03	2.03
		Total 100296:					2.03
07/17	07/06/2017	100297	Blanton, Ben	Uniform Allowance	070117	600.00	600.00
		Total 100297:					600.00
07/17	07/06/2017	100298	Boot Barn, Inc	Boot Purchase Art Van Dan	0103907	112.55	112.55
		Total 100298:					112.55
07/17	07/06/2017	100299	Borton Petrini LLP	Gomez/Meisker Case CC 03	651656	1,097.65	1,097.65
		Total 100299:					1,097.65
07/17	07/06/2017	100300	Boston, John	Uniform Allowance	070117	600.00	600.00
		Total 100300:					600.00
07/17	07/06/2017	100301	Bound Tree Medical	Medical Supplies	82538485	3.75	3.75
		Total 100301:					3.75
07/17	07/06/2017	100302	BSN Sports, LLC	6' Bench w/Back Inground	900143348	1,072.39	1,072.39

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100302:							1,072.39
07/17	07/06/2017	100303	Callahan, Ryan Michael	Mobile Car Wash	95	180.00	180.00
07/17	07/06/2017	100303	Callahan, Ryan Michael	Mobile Car Wash	96	210.00	210.00
Total 100303:							390.00
07/17	07/06/2017	100304	Camacho, Frank	Uniform Allowance	070117	600.00	600.00
Total 100304:							600.00
07/17	07/06/2017	100305	CDW Government Inc	Bus Camera's	HLP8810	662.21	662.21
07/17	07/06/2017	100305	CDW Government Inc	Bus Camera's	HMF0739	1,154.88	1,154.88
07/17	07/06/2017	100305	CDW Government Inc	Bus Camera's	HNH8175	596.01	596.01
07/17	07/06/2017	100305	CDW Government Inc	Bus Camera's	HNP5864	1,588.69	1,588.69
07/17	07/06/2017	100305	CDW Government Inc	Bus Camera's	HRC4981	1,308.71	1,308.71
Total 100305:							5,310.50
07/17	07/06/2017	100306	Cehua, Michael	Refund 8548 Redwood	101924.02	.88	.88
Total 100306:							.88
07/17	07/06/2017	100307	Chief	Defense Spray	158520	130.41	130.41
Total 100307:							130.41
07/17	07/06/2017	100308	City Hardware	OHV Supplies	053117 PD OHV, AC	292.01	292.01
Total 100308:							292.01
07/17	07/06/2017	100309	Clark & Howard	Tow	38657	975.00	975.00
Total 100309:							975.00
07/17	07/06/2017	100310	Clearview Realty /Josh Meiste	Refund 8581 Oleander	101116.06	71.00	71.00
07/17	07/06/2017	100310	Clearview Realty /Josh Meiste	Refund 9650 Denhart	105820.07	60.65	60.65
Total 100310:							131.65
07/17	07/06/2017	100311	Coldwell Banker/McAdams, P	Refund 8025 Satinwood	105530.07	41.69	41.69
Total 100311:							41.69
07/17	07/06/2017	100312	Corcoran, Pat	Uniform Allowance	070617	600.00	600.00
Total 100312:							600.00
07/17	07/06/2017	100313	County of Kern Communicatio	Comm Charges 3rd qtr	17-04073	363.00	363.00
07/17	07/06/2017	100313	County of Kern Communicatio	Comm Charges 4th qtr	17-04107	363.00	363.00
Total 100313:							726.00
07/17	07/06/2017	100314	Craig, Jack	Uniform Allowance	070117	600.00	600.00
Total 100314:							600.00
07/17	07/06/2017	100315	Craig, Jacqueline	Uniform Allowance	070117	600.00	600.00

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100315:							600.00
07/17	07/06/2017	100316	Davies, Brett	Citation Appeal Partial Refu	CE06277	150.00	150.00
Total 100316:							150.00
07/17	07/06/2017	100317	De Lage Landen	Copier Lease	55019819	189.60	189.60
Total 100317:							189.60
07/17	07/06/2017	100318	Deges, Daniel	Uniform Allowance	070617	600.00	600.00
Total 100318:							600.00
07/17	07/06/2017	100319	Dennis Automotive	Unit 381 Service	17995	40.00	40.00
07/17	07/06/2017	100319	Dennis Automotive	Unit 326 Service	18019	40.00	40.00
07/17	07/06/2017	100319	Dennis Automotive	Unit 327 Service	18029	272.00	272.00
07/17	07/06/2017	100319	Dennis Automotive	Unit 3002 Service	18031	40.00	40.00
07/17	07/06/2017	100319	Dennis Automotive	Auto Service	18040	120.00	120.00
07/17	07/06/2017	100319	Dennis Automotive	Auto Service	18051	80.00	80.00
Total 100319:							592.00
07/17	07/06/2017	100320	Downs, Joellen	Uniform Allowance	070617	600.00	600.00
Total 100320:							600.00
07/17	07/06/2017	100321	Echenique, Joseph	Refund Kennedy/Aristotle	106911.01	42.04	42.04
Total 100321:							42.04
07/17	07/06/2017	100322	Entenmann-Rovin Company	Fire Chief Badges	0127721	425.80	425.80
Total 100322:							425.80
07/17	07/06/2017	100323	Environmental Concepts	Roadsaver	217182	5,260.61	5,260.61
Total 100323:							5,260.61
07/17	07/06/2017	100324	Everbridge, Inc	Nixle Engage	M33591	2,280.94	2,280.94
Total 100324:							2,280.94
07/17	07/06/2017	100325	Fed Ex	Priority Mailings	5-777-54327	117.87	117.87
07/17	07/06/2017	100325	Fed Ex	Priority Mailings	5-837-07648	88.46	88.46
Total 100325:							206.33
07/17	07/06/2017	100326	Five Star Tint	Tint F150 PD	2858	279.99	279.99
Total 100326:							279.99
07/17	07/06/2017	100327	Gallant, Rocky	Uniform Allowance	070617	600.00	600.00
Total 100327:							600.00
07/17	07/06/2017	100328	Glisson, Larissa	Uniform Allowance	070617	600.00	600.00

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100328:							600.00
07/17	07/06/2017	100329	Gsolutionz Inc	IP Office Maintenance	164681	2,100.00	2,100.00
Total 100329:							2,100.00
07/17	07/06/2017	100330	Guillen, Kevin	Uniform Allowance	070117	600.00	600.00
Total 100330:							600.00
07/17	07/06/2017	100331	Haaker Equipment Co.	Flusher Parts	C32727	493.83	493.83
Total 100331:							493.83
07/17	07/06/2017	100332	Hayes, Shannon	Uniform Allowance	070117	600.00	600.00
Total 100332:							600.00
07/17	07/06/2017	100333	HDWBC - High Desert Wireles	DAR Fareboxes & Cameras	40525	5,502.55	5,502.55
Total 100333:							5,502.55
07/17	07/06/2017	100334	Hemme Hay & Feed Inc.	Hay Animal Control	06-26-17	160.34	160.34
Total 100334:							160.34
07/17	07/06/2017	100335	Hibbs, John	Refund 21353 Baldwin	103661.04	9.98	9.98
Total 100335:							9.98
07/17	07/06/2017	100336	Hightower, Jesse	Uniform Allowance	070117	600.00	600.00
Total 100336:							600.00
07/17	07/06/2017	100337	Hodge, Ryan	Uniform Allowance	070117	600.00	600.00
Total 100337:							600.00
07/17	07/06/2017	100338	Huizar, Frank	Uniform Allowance	070117	600.00	600.00
Total 100338:							600.00
07/17	07/06/2017	100339	Hulse, Ryan	Uniform Allowance	070117	600.00	600.00
Total 100339:							600.00
07/17	07/06/2017	100340	Hurtado, Eric	Uniform Allowance	070117	600.00	600.00
Total 100340:							600.00
07/17	07/06/2017	100341	IMC Realty / Cheryl Stanford	Refund 8132 Greenwood	101468.02	8.92	8.92
Total 100341:							8.92
07/17	07/06/2017	100342	International Code Council	Study Material for Tiffany C	1000787890	51.48	51.48
Total 100342:							51.48

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/17	07/06/2017	100343	Int'l Asso.of Police Chiefs	Annual Dues	1001227791	150.00	150.00
Total 100343:							150.00
07/17	07/06/2017	100344	Jones, Michelle	Uniform Allowance	070117	600.00	600.00
Total 100344:							600.00
07/17	07/06/2017	100345	Kelakios, Michael	Uniform Allowance	070117	600.00	600.00
Total 100345:							600.00
07/17	07/06/2017	100346	Kern County Waste Managem	Evidence Disposal	1485041	25.63	25.63
Total 100346:							25.63
07/17	07/06/2017	100347	Kieffe & Sons Ford	Unit 327 Repairs	25234	571.71	571.71
07/17	07/06/2017	100347	Kieffe & Sons Ford	Hinge Assy Unit 310	25291	78.54	78.54
Total 100347:							650.25
07/17	07/06/2017	100348	Koenig, John	Refund 8901 Redwood	103880.03	10.65	10.65
Total 100348:							10.65
07/17	07/06/2017	100349	Legend Pump & Well Serv	Well Seat	53970	130.59	130.59
Total 100349:							130.59
07/17	07/06/2017	100350	Line-X of Antelope Valley	Bed Liner F150 Truck	2412	479.00	479.00
Total 100350:							479.00
07/17	07/06/2017	100351	Lopez, Maria & Jose	Refund 8024 Dogwood	105542.08	13.52	13.52
Total 100351:							13.52
07/17	07/06/2017	100352	M & M Sports	Lifeguard Uniforms	39275	284.20	284.20
Total 100352:							284.20
07/17	07/06/2017	100353	Manning & Kass, Ellrod,	Attorney Services Rendere	488303	14,298.62	14,298.62
07/17	07/06/2017	100353	Manning & Kass, Ellrod,	Attorney Services Rendere	491921	5,730.50	5,730.50
07/17	07/06/2017	100353	Manning & Kass, Ellrod,	Attorney Services Rendere	502551	852.82	852.82
Total 100353:							20,881.94
07/17	07/06/2017	100354	Martha's Cleaning Service	janitorial Police Dept	1492	400.00	400.00
Total 100354:							400.00
07/17	07/06/2017	100355	Mary Valenti, PH.D.	Critical Incident Interventi	06-09-17	200.00	200.00
Total 100355:							200.00
07/17	07/06/2017	100356	McMaster Carr	Hex Head Screws, Lock Wa	34696725	26.02	26.02
07/17	07/06/2017	100356	McMaster Carr	Carriage Bolts, Locknuts	35065121	51.33	51.33
07/17	07/06/2017	100356	McMaster Carr	Steel Deck Wagon Perf Dec	35120377	235.61	235.61
07/17	07/06/2017	100356	McMaster Carr	Hex Head Screws	35136789	12.27	12.27

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100356:							325.23
07/17	07/06/2017	100357	Merchant's Printing & Envelo	Dog License Forms	7700192	684.23	684.23
07/17	07/06/2017	100357	Merchant's Printing & Envelo	Stationary, Window & Reg.	7700282	850.98	850.98
Total 100357:							1,535.21
07/17	07/06/2017	100358	Meza, Amador Jr	D4 Exam	062017	130.00	130.00
Total 100358:							130.00
07/17	07/06/2017	100359	Mighty Products Corp.	Wind Screen 16' x 30'L Blac	90283	515.79	515.79
Total 100359:							515.79
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	504728719	59.11	59.11
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	505068071	55.19	55.19
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	505111867	52.57	52.57
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	505156325	52.57	52.57
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	505203539	52.57	52.57
07/17	07/06/2017	100360	Mission Uniform Service	Laundry Service PD	505248151	52.57	52.57
Total 100360:							324.58
07/17	07/06/2017	100361	Municode	Ad Min Support Code Softw	00290017	350.00	350.00
Total 100361:							350.00
07/17	07/06/2017	100362	Murray, Cliff	Refund 8225 Great Circle	105872.04	46.86	46.86
Total 100362:							46.86
07/17	07/06/2017	100363	Norm Hill Aviation	Internet Service ACO	060117	50.00	50.00
07/17	07/06/2017	100363	Norm Hill Aviation	ACO Internet	2493	50.00	50.00
07/17	07/06/2017	100363	Norm Hill Aviation	Internet Service ACO	2527	50.00	50.00
Total 100363:							150.00
07/17	07/06/2017	100364	Office Depot	Office Supplies	936269334001	65.39	65.39
07/17	07/06/2017	100364	Office Depot	Office Supplies	936550952001	661.39	661.39
07/17	07/06/2017	100364	Office Depot	Office Supplies	936551751001	54.09	54.09
07/17	07/06/2017	100364	Office Depot	Office Supplies	936551752001	52.45	52.45
07/17	07/06/2017	100364	Office Depot	Office Supplies	936841120001	39.47	39.47
07/17	07/06/2017	100364	Office Depot	Office Supplies	936841165001	23.57	23.57
Total 100364:							896.36
07/17	07/06/2017	100365	Parsac	Annual Premium Boiler &	18-115	61,847.00	61,847.00
07/17	07/06/2017	100365	Parsac	Crime Bond Premium	18-79	1,119.00	1,119.00
Total 100365:							62,966.00
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1068908	2,361.20	2,361.20
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1068956	326.07	326.07
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1068966	244.52	244.52
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069013	2,192.33	2,192.33
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069025	763.78	763.78
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069043	264.08	264.08

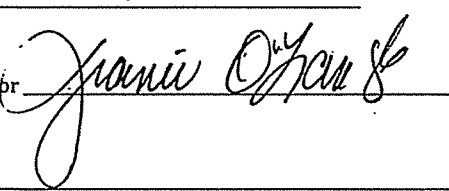
GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069044	69.69	69.69
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069075	214.40	214.40
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069076	126.37	126.37
07/17	07/06/2017	100366	R S I Petroleum Prod	Fuel	1069084	57.62	57.62
Total 100366:							6,620.06
07/17	07/06/2017	100367	Reliable Air Condit. & Heating	CCPD A/C Service	17557	217.50	217.50
07/17	07/06/2017	100367	Reliable Air Condit. & Heating	Air Conditioning Work Seni	17571	75.00	75.00
Total 100367:							292.50
07/17	07/06/2017	100368	Rio Hondo College	Field Training Officer Steve	4212330	38.00	38.00
Total 100368:							38.00
07/17	07/06/2017	100369	Robert Daniels	Aerate & Topdress PAR 3	062817	950.00	950.00
Total 100369:							950.00
07/17	07/06/2017	100370	Robertson's	16363 20 Mule Team	6513	900.81	900.81
07/17	07/06/2017	100370	Robertson's	16363 20 Mule Team	7456	790.29	790.29
Total 100370:							1,691.10
07/17	07/06/2017	100371	Rojo, Payo	CPR Class	ORDER # 35177	405.00	405.00
Total 100371:							405.00
07/17	07/06/2017	100372	Ryan Herco Products	WWTP Supplies	8704074	91.98	91.98
Total 100372:							91.98
07/17	07/06/2017	100373	S.C. Friends Tire Inc.	Tire Service	31725	10.00	10.00
07/17	07/06/2017	100373	S.C. Friends Tire Inc.	Tire Service	31756	20.50	20.50
07/17	07/06/2017	100373	S.C. Friends Tire Inc.	Tire Service	31762	10.00	10.00
07/17	07/06/2017	100373	S.C. Friends Tire Inc.	Tire Service	31810	94.50	94.50
07/17	07/06/2017	100373	S.C. Friends Tire Inc.	Tires PD	31839	853.99	853.99
Total 100373:							988.99
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	56874	1,725.60	1,725.60
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	56939	1,725.60	1,725.60
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	57204	1,725.60	1,725.60
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	57269	1,035.36	1,035.36
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	57404	1,725.60	1,725.60
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	57904	1,725.60	1,725.60
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	57958	1,682.46	1,682.46
07/17	07/06/2017	100374	Sage Staffing	Temp Mary Johnson	58010	1,725.60	1,725.60
Total 100374:							13,071.42
07/17	07/06/2017	100375	SC Communications	Mobile Radio Reprogrammi	6032-1	1,687.25	1,687.25
Total 100375:							1,687.25
07/17	07/06/2017	100376	Schonfield, Mitchell	Partial Refund Citation App	CE006200	50.00	50.00

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100376:							50.00
07/17	07/06/2017	100377	Schultheiss, Ryun	Uniform Allowance	070117	600.00	600.00
Total 100377:							600.00
07/17	07/06/2017	100378	Senior Association of Californ	Reimbursement for Janitori	063017	1,804.73	1,804.73
Total 100378:							1,804.73
07/17	07/06/2017	100379	Staples Advantage	Office Supplies, Janitorial	8044967254	449.37	449.37
07/17	07/06/2017	100379	Staples Advantage	Office Supplies, Janitorial	8045069151	222.64	222.64
Total 100379:							672.01
07/17	07/06/2017	100380	Tehachapi Veterinary Hospital	Raido Treatment	405185	129.83	129.83
Total 100380:							129.83
07/17	07/06/2017	100381	TransUnion Risk & Alternativ	Background Investigation T	213800 060117	420.00	420.00
Total 100381:							420.00
07/17	07/06/2017	100382	TurboData Systems	Citation Processing Service	26190	298.30	298.30
Total 100382:							298.30
07/17	07/06/2017	100383	U P S	Service Charges	V237, V247	360.14	360.14
Total 100383:							360.14
07/17	07/06/2017	100384	Utility Cost Management LLC	City Electricity Audit	22618	1,457.12	1,457.12
Total 100384:							1,457.12
07/17	07/06/2017	100385	Vam Tam Ha	Refund 8624 Oleander	100834.05	26.17	26.17
Total 100385:							26.17
07/17	07/06/2017	100386	Verizon Wireless	Internet City Cameras	9787656015	152.26	152.26
07/17	07/06/2017	100386	Verizon Wireless	Air Cards Fire Department	9787656016	38.01	38.01
Total 100386:							190.27
07/17	07/06/2017	100387	Veterinary Options, Inc.	Vet Care for K9	060617	180.00	180.00
Total 100387:							180.00
07/17	07/06/2017	100388	Walters Wholesale Electric Co.	LED Flag Pole Light	S108049968.001	737.45	737.45
Total 100388:							737.45
07/17	07/06/2017	100389	Warne, Larry	D2 Exam	062017	60.00	60.00
Total 100389:							60.00
07/17	07/06/2017	100390	Waste Management	Trash Service	3770522-2508-5	145.50	145.50



GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 100390:							145.50
07/17	07/06/2017	100391	Wells Fargo Financial Leasing	Copier Lease	5003979659	151.96	151.96
07/17	07/06/2017	100391	Wells Fargo Financial Leasing	Copiers Overages City Hall	5003979660	1,418.39	1,418.39
Total 100391:							1,570.35
07/17	07/06/2017	100392	West Coast Lights & Sirens	Vehicle Equipment for Tah	15000	2,517.22	2,517.22
07/17	07/06/2017	100392	West Coast Lights & Sirens	Vehicle Equipment for Tah	15035	9,971.47	9,971.47
Total 100392:							12,488.69
07/17	07/06/2017	100393	Whiting, Steven	Uniform Allowance	070117	600.00	600.00
Total 100393:							600.00
07/17	07/06/2017	100394	Williams, Jason B.	Travel Charges to Brea	062717	142.49	142.49
Total 100394:							142.49
07/17	07/06/2017	100395	Yip, Cathy	Refund 8901 Redwood	103880.04	36.51	36.51
Total 100395:							36.51
Grand Totals:							181,020.39

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: 7-6-17Finance Director 

## Report Criteria:

Report type: Invoice detail  
Check.Check Number = {>} 100280  
Bank.Bank Number = 1  
Check.Voided = no



**ORDINANCE NO. 17-749**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF CALIFORNIA CITY ADOPTING ZONE CHANGE NO. 186**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA  
CITY as follows:**

**Purpose.**

This ordinance adopts Zone Change No. 186.

**Findings.**

The council finds, determines and declares:

- (a) A duly-noticed public hearing has been conducted by the Planning Commission and by the City Council to consider the zone change set forth herein.
- (b) This zone change will not result in significant adverse environmental impacts.
- (c) This zone change will promote the welfare of the community.
- (d) This zone change is consistent with the general plan and zoning regulations.
- (e) This project was reviewed and approved by Staff Development Review.
- (f) The Planning Commission approved the proposal by Resolution No. 05-16-2017ZC186PC.

**Property Description.**

The property affected by this ordinance (herein "subject property") consists of thirty-nine (39) parcels created in conjunction with Vesting Tentative Tract Map (VTTM) 7308 for the development of a residential subdivision on 8.99 acres in a portion of the south one half of Section 24, T32S, R37E, MDB&M.

**Zoning Amendment.**

This Zone Change No. 186 rezones the subject property from Regional Commercial (C5), rezoning contiguous lots to One Family Residential District Medium Density (R1).

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of California City does hereby approve the Initial Study, Negative Declaration, and Zone Change 186 to rezone the thirty-nine (39) parcels created in conjunction with Vesting Tentative TractMap (VTTM) 7308 from Regional Commercial (CS) to One Family Residential District Medium Density (RI), for the development of a residential subdivision on 8.99 acres in a portion of the south one half of Section 24, T32S, R37E, MDB&M.

Approved for introduction at a regular meeting on the 27th <sup>day</sup> of June, 2017, by the following vote:

AYES: McGuire, Parris, Stump, Gomez, Wood

NOES: None

ABSENT: None

CC2.

PASSED, APPROVED, AND ADOPTED this 11th day of July, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Jennifer Wood, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Denise Hilliker, City Clerk

\_\_\_\_\_  
Christian Bettenhausen, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF KERN        ) ss.  
CITY OF CALIFORNIA CITY    )

I, DENISE HILLIKER, City Clerk of California City, do hereby certify that the foregoing ordinance was introduced on the 27<sup>th</sup> day of June 2017, was regularly adopted at a meeting thereof on the 11<sup>th</sup> day of July, 2017 and was published/posted pursuant to law.

\_\_\_\_\_  
Denise Hilliker, City Clerk

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CALIFORNIA CITY ESTABLISHING THE FY 2017-18 APPROPRIATIONS LIMIT**

**WHEREAS**, in accordance with provisions of the Government Code Section 7900, and following, local governments are required to establish certain spending levels that cannot be exceeded; and

**WHEREAS**, the City of California City has established in accordance with these requirements their 1978-79 appropriation as their base year; and

**WHEREAS**, in accordance with these requirements municipalities may increase annually their previous base year appropriation by the factor calculated from the average percentage change in the Per Capita Personal Income and the Certified percentage increase in the county's population; and

**WHEREAS**, the percentage change in the Per Capita cost of living change is set at 1.0369%; and

**WHEREAS**, the increase in the City of California City's population is set at 1.0213%; and

**WHEREAS**, the factor used to calculate the fiscal year 2017-18 appropriations limit is 1.0589; and

**WHEREAS**, the FY 2016-17 proposition 4 spending limit for California City was \$62,749,368 and when multiplied by the allowed factor, the F/Y 2017-18 Proposition 4 spending limit is set at \$66,445,306 .

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of California City does establish the amount of \$66,445,306 as its FY 2017-18 Proposition 4 Spending limit.

**PASSED, APPROVED AND ADOPTED** on this 11<sup>th</sup> day of July 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Mayor, Jennifer Wood

**ATTEST:**

\_\_\_\_\_  
City Clerk, Denise Hilliker  
(Seal)

CC3.



# CITY COUNCIL

July 11th, 2017

**TO: Mayor and City Council**

**FROM: Tom Weil, City Manager**

**SUBJECT: Proposed Ordinance adding Chapter 9.5 to Title 6 of the California City Municipal Code Relating to Food Safety Education**

**BACKGROUND:**

The Kern County Board of Supervisors have recently adopted an ordinances amending the County Code related to Food Safety Education which is administered and regulated by Kern County Environmental Health Department, the ex officio health department of the city. The County has asked that we incorporate their changes into our Municipal Code so that both information and enforcement of each would be aligned.

**RECOMMENDATION:**

Council give first reading by title only, with further reading waived of **“AN ORDINANCE OF THE CITY COUNCIL OF CALIFORNIA CITY ADDING CHAPTER 9.5 TO TITLE 6 OF THE CALIFORNIA CITY MUNICIPAL CODE RELATING TO FOOD SAFETY EDUCATION”**

**FISCAL IMPACT:**

Legal cost to prepare to review and prepare Ordinance, as well as cost of newspaper publication, once ordinance if adopted by Council.

*The Finance Director has reviewed the staff report and finds the recommendations to be within the budget constraints of the Department.*

**ENVIRONMENTAL ACTION:** No Direct

CBI.

**ORDINANCE NO. 17-750**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CALIFORNIA CITY ADDING CHAPTER 9.5 TO TITLE 6 OF  
THE CALIFORNIA CITY MUNICIPAL CODE RELATING TO  
FOOD SAFETY EDUCATION**

WHEREAS, the Kern County Board of Supervisors recently adopted an ordinance amending the County Code by adding a chapter concerning food safety education; and

WHEREAS, the California City Municipal Code related to food safety is modeled after the County's Code; and

WHEREAS, the City Council desires to amend the City's Municipal Code in the same way as Board of Supervisors amended the County's Code.

NOW THEREFORE, THE CITY COUNCIL OF CALIFORNIA CITY DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 9.5 is added to Title 6 of the California City Municipal Code as follows:

**CHAPTER 11 *FOOD SAFETY EDUCATION***

Sections:

**6-9.5.101 - Purpose.**

The purpose of this chapter is to establish standards for the requirement of individuals to attend food safety education courses and to pass a competency examination when found to have posed a risk to the health and safety of the community.

**6-9.5.102 - General requirements.**

When the director of public health services or his designee determines one (1) or more of the following, he may require employees of the facility to attend food safety education courses, in addition to submission of a detailed, written corrective action plan to prevent reoccurrence.

- A. The food facility has repeated violations of critical risk factors affecting food safety; and/or
- B. The owner or employee with food safety certification has failed to ensure that all employees who handle unpackaged food have sufficient knowledge and understanding of how to safely prepare and serve food; and/or



- C. Upon closure of the facility or as a result of the department having to take action at the facility due to poor decision making skills demonstrated by the operator and/or manager of the food facility.

6-9.5.103 - Course attendance requirements.

Upon determination that a facility must attend food safety education courses, the director of public health services may require the owner to send all staff who engage in food preparation and/or service.

6-9.5.104 - Course contents.

The food safety education course shall include, but not be limited to, the following:

- A. Causes and contributing factors of foodborne illness;
- B. The relationship between time and temperature and foodborne illness;
- C. The relationship between personal hygiene and food safety;
- D. Methods to prevent food contamination in all stages of food handling;
- E. Procedures for cleaning and sanitizing food handling equipment and utensils; and
- F. Proper decision making assistance for instances including, but not limited to, power outage, sewage spills, and rodent and/or roach infestation.

6-9.5.105 - Required knowledge demonstration.

Attendees will be required to pass a food safety education competency examination following the conclusion of the presentation of the course contents. The competency examination will not be given without attendance of the food safety education course.

- A. Failure to pass the competency examination with a seventy-five percent (75%) accuracy rate will result in the requirement to retake the course.
- B. Failure to pass the competency examination with a seventy-five percent (75%) accuracy rate after the second attempt will result in suspension of the facility's health permit until at least a seventy-five percent (75%) accuracy rate has been demonstrated, unless a viable written corrective action plan is provided to and approved by the department indicating that the employee who has failed to pass the competency exam will no longer engage in food preparation and/or service until he/she has passed the competency examination.

SECTION 2: If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of California City hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase or word not declared

unconstitutional without regard to any such decision or preemptive legislation.

SECTION 3: Any provision of the California City Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

Approved for introduction at a regular meeting on the 11<sup>th</sup> day of July, by the following vote:

AYES:  
NOES:  
ABSENT:

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_th day of \_\_\_\_\_, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Jennifer Wood, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Denise Hilliker, City Clerk

\_\_\_\_\_  
Christian Bettenhausen, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF KERN ) ss.  
CITY OF CALIFORNIA CITY )

I, DENISE HILLIKER, City Clerk of California City, do hereby certify that the foregoing ordinance was introduced on the 11<sup>th</sup> day of July, 2017, was regularly adopted at a meeting thereof on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 201 and was published/posted pursuant to law.

\_\_\_\_\_  
Denise Hilliker, City Clerk



# CITY COUNCIL

July 11, 2017

**TO: Mayor and City Council**

**FROM: City Manager, Tom Weil**

**SUBJECT: Ordinance Revising Regulations Applicable to State Video Franchisees**

## **BACKGROUND:**

The proposed ordinance is in accordance with state law which became effective January 1, 2007 — the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"). DIVCA established the California Public Utilities Commission ("CPUC") as the sole franchising authority for new video service providers in California but delegates certain rights and responsibilities to local authorities. However, cities must pass an ordinance before the cities may take certain actions to regulate state video franchise holders.

Effective January 2, 2008, Charter SoCal I, LLC ("Charter") received a state franchise which will expire January 2, 2018, and is operating in the city pursuant to that franchise. Charter is the only video service provider currently providing video service within California City. It is expected that Charter will receive a new state franchise to become effective January 2, 2018, which will expire January 2, 2028.

## **RECOMMENDED ACTION**

Staff recommends that the City Council adopt an ordinance that would delete the existing and outdated Article 2 of Chapter 4 of Title 7 of the Municipal Code ("Community Antenna Television Systems"), and replace it with a new Article 2, to be entitled "State Video Franchisees."

## **DISCUSSION**

The primary impact of DIVCA on the City was that as of January 2, 2008, the City could no longer issue new cable franchises. Instead, the CPUC became the sole franchising authority for video service providers in the State. Any city-issued cable franchise that existed at the effective date of DIVCA continued in place until it expired.

Franchise Fees. With regards to all video service providers with state franchises, DIVCA imposes a franchise fee of five percent (5%) of "gross revenues" (which term is defined by DIVCA), unless the City opts to lower the franchise fee. This ordinance, as drafted, confirms that the City will continue to collect the full 5% fee, as is customary throughout

NB 1.

the state, and as was customary when cities issued their own franchise agreements. In 2016, the city collected approximately \$60,000 of franchise fees.

PEG Fees. Prior to DIVCA, when issuing franchise agreements, cities typically required cable providers to provide additional support. Usually by (1) providing use of one free cable channel for PEG programming (public, educational and/or governmental) programming; (2) providing other community benefits, such as free cable service to specified locations; and (3) providing cash payment to support one or both activities.

In 2005, for example, California City entered into a (now expired) franchise agreement with Charter Communications whereby Charter received some of these benefits, but no cash. Charter agreed to provide: (1) one free PEG channel and (2) free cable tv outlets at each public school, police station and fire station, plus four at city hall. The franchise agreement did not include direct monetary payments, although such payments were common.

Although DIVCA still guarantees that cities receive up to three PEG channels at no cost, DIVCA now prohibits cities from requiring any other non-cash benefits such as providing free cable tv access or provision of an "institutional network" (i.e. intranet). Instead, Section 5870(n) of DIVCA authorizes the City to collect a fee to support Public, Educational, and/ or Governmental ("PEG") programming. The authorized 1% fee partially offsets the losses that cities suffered as a result of DIVCA.

Under federal law, PEG fees can only be expended to pay for "capital costs" associated with PEG support. These costs can include the purchase and maintenance of PEG facilities and equipment, such as microphones, audio and video recording devices that are used to record and transmit audio and video of governmental meetings.

The ordinance proposes to establish the PEG fee at 1%, as is the norm throughout the state. The 1% fee is an obligation of the video service providers, and not of those paying for video service. Video service providers are legally permitted include in their billing statements, a notation that the video service provider is paying a 1% PEG fee, but that is purely an informational item. The ordinance requires the video service provider(s) to make the PEG payments quarterly, just like the existing 5% franchise fee.

Section 5870(n) allows cities with a PEG fee in excess of 1% as of December 31, 2006, to establish a fee in excess of 1%. California City, like most cities, did not have such a fee at the time, and therefore cannot now establish a fee exceeding 1%.

Section 5870(n) states the following for cities wishing to continue the fee at a rate exceeding 1%:

*"may by ordinance, establish a fee no greater than that separate fee, and in no event greater than 3 percent, to support PEG activities. The ordinance shall expire, and may be reauthorized upon the expiration of the state franchise."*

Some have argued that the last sentence of subsection (n) can be read to not only apply to cities levying fees above the 1%, but also those cities that have been collecting PEG fees at the 1% rate. To avoid any risk that the city will lose revenue for failure to properly establish or reauthorize the PEG fee as required by Section 5870(n), the ordinance does both – it both establishes and reauthorizes the PEG fee on a going forward basis at the rate of 1% which is the norm throughout the state.

Customer Service. Cities must also monitor customer service standards for state video franchisees, but are limited to enforcing only those standards enumerated in DIVCA. A city may only impose fines for violations of those standards if the city enacts an ordinance or resolution establishing the fine schedule. The amount of each fine is limited by DIVCA. This ordinance establishes fines consistent with the maximum fines permitted by DIVCA.

Audit. This ordinance authorizes the City Manager (or the City Manager's designee) to authorize an audit of any state franchisee's records up to once per year to ensure compliance with the City's ordinance.

Proposition 26. This proposed ordinance complies with the requirements of Article XIII C section 1, subd. (e) (Proposition 26), because the ordinance does not establish a "tax." First, it is the California Public Utilities Commission, and not the City that establishes the franchise fee and the franchise fee of 5% is a charge for the use of the City's property. Second, the PEG fee is not a tax, by definition, because: (i) the City will use the 1% fee only for the reasonable "capital costs" the City incurs relating to the provision of public, educational, and governmental video services, as that term is defined in federal law; (ii) the charge is only imposed for a specific government service or product provided directly to the payor that is not provided to those not charged; and because (iii) this payment is compensation in exchange for use of city property. Third, the fines and audits authorized by this proposed ordinance are not taxes, because fines are expressly exempted from the definition of a tax, and the payments applicable to the audit would only apply if there was a violation of law.

## **CONCLUSION**

The proposed ordinances will: 1) repeal outdated provisions of the municipal code applicable to locally issued franchises; 2) ensure that the city receives a 5% franchise fee and a 1% PEG fee; 3) subject video service providers to penalties for any customer service violations; and 4) authorize audits of video service providers.

## **RECOMMENDATION:**

1. Introduce and waive the full reading, by substitution of title only, an ordinance amending Chapter Article 2 of Chapter 4 of Title 7 of the Municipal Code to establish regulations applicable to state video franchisees.

**FISCAL IMPACT:**

The City currently collects a franchise fee of 5% of all gross revenue derived from Charter's operations within the City. That amounts to approximately \$50,000 to \$60,000 per year. This ordinance would confirm that the city intends to continue to collect this amount. This ordinance would require video service providers (e.g. Charter) to pay a PEG fee of 1%, which is estimated to be roughly \$10,000 to \$12,000 per year. This ordinance would also establish customer service penalties. Although it is not currently expected that the city would issue any fines on video service providers, fines could potentially be as high as \$7,500 per violation.

*The Finance Director has reviewed the staff report and finds the recommendations to be within the budget constraints of the Department.*

**ENVIRONMENTAL ACTION:** The proposed ordinance includes a finding of the City Council that the ordinance is not subject to CEQA because the ordinance will not have an effect on the environment, funding mechanisms are exempt from CEQA, the ordinance has no potential for resulting in physical change to the environment and because the ordinance has no potential for causing a significant effect on the environment.



**ORDINANCE NO. 17-751**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REPEALING EXISTING ARTICLE 2 OF CHAPTER 4 OF TITLE 7 OF THE CALIFORNIA CITY MUNICIPAL CODE ("COMMUNITY ANTENNA TELEVISION SYSTEMS") AND REPLACING IT WITH A NEW ARTICLE 2 ("STATE VIDEO FRANCHISEES") TO ESTABLISH FRANCHISE FEES, PEG FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN CALIFORNIA CITY**

WHEREAS, the Digital Infrastructure and Video Competition Act of 2006 (Pub. Util. Code 5800 *et seq.*, "DIVCA") went into effect on January 1, 2007; and

WHEREAS, under DIVCA, the State of California is the "sole franchising authority" for new video service providers within the City of California City ("City"); and

WHEREAS, the City, although not the franchising authority for state franchises, has certain rights and responsibilities with respect to state video franchise holders; and

WHEREAS, the City intends to require franchisees to pay the City a fee of five percent (5%) of gross revenues from within California City from each state video franchisee which operates within the City; and

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WHEREAS, Public Utilities Code section 5870(n) indicates that a city may establish a fee to support Public, Educational and Governmental (PEG) channel facilities; and

WHEREAS, Public Utilities Code section 5870(n) states in part, "The ordinance shall expire, and may be reauthorized, upon the expiration of the state franchise"; and

WHEREAS, the City intends to require every state video franchise holder operating now or in the future in the City to pay a fee to support Public, Educational and Governmental (PEG) channel facilities at the rate of 1% of the video franchise holder's gross revenues; and

WHEREAS, the City may establish and enforce penalties against state video franchisees for violations of customer service rules consistent with state law; and

WHEREAS, this ordinance does not establish a "tax" within the meaning of Article XIII C, section 1, subdivision (e) of the California Constitution; and

WHEREAS, CCO SoCal I, LLC ("Charter"), is the only video service provider currently providing video service within California City; and

WHEREAS, although AT&T California ("AT&T") holds a state issued franchise for most of California and the western portion of California City is within that boundary, AT&T does not in fact provide video service to any customers in the City;

WHEREAS, effective January 2, 2008, Charter received a state franchise which will expire January 2, 2018;

WHEREAS, Charter is operating in the City pursuant to that state franchise;

WHEREAS, it is expected that Charter will receive a new state franchise to become effective January 2, 2018, which will expire January 2, 2028.

**THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Municipal Code Amendment.** Existing Article 2 of Chapter 4 of Title 7 of the Municipal Code is repealed in its entirety, and a new Article 2 to be entitled, "State Video Franchisees" shall replace it and shall provide as follows:

**"Section 7-4.201. Purpose and Application.**

This Chapter is designed to regulate video service providers holding state video franchises and operating within the City pursuant to that franchise. On January 1, 2007, the State of California became the sole authority with power to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"). Pursuant to DIVCA, the City of California City shall receive a franchise fee and a fee for public, educational and/ or government (PEG) purposes from all state video franchise holders operating within the City. Additionally, the City intends to exercise its authority to establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the City for violations of customer service standards.

**Section 7-4.202. State Video Franchise and PEG Fees.**

- (A) Any state video franchise holder operating within the boundaries of the City shall submit a fee to the City equal to five percent (5%) of the "gross revenue" of that state video franchise holder. Gross revenue, for the purposes of this chapter, shall have the definition set forth in California Public Utilities Code § 5660 as it may be amended from time to time.
- (B) Any state video franchise holder operating within the boundaries of the City shall submit a PEG fee to the City, or the City's designee, for support of Public, Educational, and/ or Governmental (PEG) purposes that are consistent with

state and federal law. The PEG fee shall be one percent (1%) of the "gross revenue" of that state video franchise holder and shall be remitted at the same time and pursuant to the same schedule as is required for franchise fees.

#### **Section 7-4.203. Audit Authority.**

Not more than once annually, the City Manager, or the City Manager's designee, may examine and perform an audit of the business records of a holder of a state video franchise to ensure compliance with Section 7-4.202.

#### **Section 7-4.204. Customer Service Penalties.**

- (A) The holder of a state video franchise shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service.
- (B) The City Manager, or the City Manager's designee, shall monitor the compliance of state video franchise holders with respect to state and federal customer service and protection standards. The City Manager, or the City Manager's designee, will provide the state video franchise holder written notice of any material breaches of applicable customer service standards, and will allow the state video franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the 30-day time period will be subject to the following penalties to be imposed by the City:
  - (1) For the first occurrence of a violation, a fine of up to \$500.00 may be imposed for each day the violation remains in effect, not to exceed \$1,500.00 for each violation.
  - (2) For a second violation of the same nature within 12 months, a fine of up to \$1,000.00 may be imposed for each day the violation remains in effect, not to exceed \$3,000.00 for each violation.
  - (3) For a third or further violation of the same nature within 12 months, a fine of up to \$ 2,500.00 may be imposed for each day the violation remains in effect, not to exceed \$ 7,500.00 for each violation.
- (C) A state video franchise holder may appeal a penalty assessed by the City Manager to the City Council within 60 days of the initial assessment. The City Council shall hear all evidence and relevant testimony and may uphold, modify or vacate the penalty. The City Council's decision on the imposition of a penalty shall be final.

#### **Section 7-4.205. City Response to State Video Franchise.**

- (A) Applications. Applicants for state video franchises within the boundaries of the City must concurrently provide complete copies to the City of any application or amendments to applications filed with the California Public Utilities Commission (PUC). One complete copy must be provided to the City Manager.

- (B) Within 30 days of receipt, the City Manager will provide any appropriate comments to the PUC regarding an application or an amendment to an application for a state video franchise."

**SECTION 2. Continuation of PEG Fee.** To the extent legally required by Public Utilities Code section § 5870(n), this ordinance shall constitute an ongoing reauthorization of any PEG fees that are applicable in the City or which become applicable in the City. The City reaffirms its intent that each state franchise holder in the city, regardless of whether it holds (or will hold) an original or renewed state video franchise, shall pay a 1% PEG fee.

**SECTION 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

**SECTION 4. CEQA.** The City Council finds the approval of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 because under (b)(4) funding mechanisms are exempt from CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this Ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

**SECTION 5. Effective Date.** This Ordinance shall become effective 30 days after its adoption.

**SECTION 6. Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

**ADOPTION.** The foregoing ordinance was introduced at a regular meeting of the City Council on the 11th day of July, 2017, and adopted at a regular meeting of the Council held on the day of \_\_\_\_\_, 2017, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Jennifer Woods, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Denise Hilliker, City Clerk

\_\_\_\_\_  
Christian Bettenhausen City Attorney

STATE OF CALIFORNIA )  
COUNTY OF KERN ) ss.  
CITY OF CALIFORNIA CITY )

I, DENISE HILLIKER, City Clerk of California City, do hereby certify that the foregoing ordinance was introduced on the 11<sup>th</sup> day of July 2017, was regularly adopted at a meeting thereof on the day of July, 2017 and was published/posted pursuant to law.

\_\_\_\_\_  
Denise Hilliker, City Clerk

